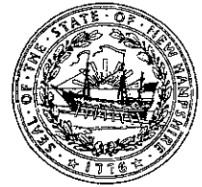




State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
WATER COUNCIL

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STATE OF NEW HAMPSHIRE  
WATER COUNCIL

**Decision & Order**

**Docket No. 03-12 WC**

Appeal of USA Springs, Inc.  
In Re: Denial of an Approval of a Bottled Water Source

***Motion to Stay Appeal***

**Background**

On September 11, 2003, USA Springs, Inc. ("Appellant") filed a petition for appeal with the NH Water Council ("the Council").

On September 11, 2003, the Appellant filed a Motion to Stay Appeal. In its filing, the Appellant argues that further action in this appeal should be stayed pending the outcome of a Motion for Rehearing of a related action before the Department of Environmental Services Water Division ("DES"), and possible further appeal directly to the NH Supreme Court, the outcome of which will have a direct impact on this appeal.

On October 8, 2003, DES assented to the Motion to Stay Appeal.

**Discussion / Conclusion**

The Council agrees that in the interest of efficiency, a stay of this appeal is appropriate at this time. However, all parties to this appeal are hereby ordered to appear before the Council to offer a case status update at its regular January Council Meeting currently scheduled for January 14, 2004 at 9:00am. At that time the parties to the appeal should be prepared to request that the Council continue the stay or proceed forward with the appeals process.

**Order**

Motion to Stay Appeal is GRANTED with conditions noted above.

So Ordered for the Council by:

  
Michael Sclafani, Appeals Clerk

October 9, 2003